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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/061,064

01/23/2002

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05/11/2009

EXAMINER

PARRA, OMAR S

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/061,064	CRANDALL ET AL.	
	Examiner	Art Unit	
	OMAR PARRA	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-15 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-15 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-11, filed 01/28/2009, with respect to the rejection(s) of claim(s) 2-11, 13-15 and 19-21 under 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ludwig and Ahuja.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **2-5, 11, 13, 14 and 21** rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al. (hereinafter 'Ludwig', Pub. No. 2007/0168426).

Regarding claims 13, 14 and 21, Ludwig teaches an apparatus for transmitting an audio / visual (A/V) file (**video content, screenshots, multimedia documents, etc, [0055]-[0057]; [0167]; [0186]**) between a sender and a recipient (**caller and callee, Fig. 23; [0142]-[0144]**), using a voice communication network and a data network, said

Art Unit: 2421

voice communication network independent of said data network ([0047]; [0059]), the recipient being identified by a voice communication network address and a data network address **(There is a database where it is established which ports are assigned for audio/video services or data services, once a user is identified, [0134]-[0138]; [0142]-[0143])** the apparatus comprising:

means for establishing a voice connection on said voice communication network between said sender and said recipient, said recipient having a voice communication network address **(using the port designated for calls, a physical voice communication is established between caller and callee, [0142]-[0145]; [0150])** ;

means for determining a recipient data communication network address based on an association between said recipient data communication network address and said recipient's voice communication network address **(service server and directory server 66, Fig. 21 determine what services and ports are being used by each receiver, [0134]-[0138]; [0142]-[0145])** ;

means for downloading said A/V file from said sender to a server associated with said recipient data communication network address via said data network during said voice connection **(Upon acceptance of sharing data, the data can be edited, navigated through at the caller or sender's station or at a central server. There can be different additional servers for the services provided, [0069]-[0071]);** and

means for receiving navigation instructions to navigate through said A/V file from said recipient via said voice connection **(The participants of the data sharing can edit, annotate or navigate while having a voice connection; therefore, one**

participant can tell the other one commands for editing/navigating through the content).

Regarding claim 2, wherein the A/V file is broadcast to the recipient after the recipient authorizes the broadcast **(The recipient needs to be logged on to the service and also has to accept or authorize any transfer or service, 1, Fig. 23; [0140]-[0143]).**

Regarding claim 3, wherein the recipient authorizes the broadcast by remaining on the voice connection for a designated period of time reads on the connection is performed is done between the two participants in a per session manner. In other words, if a log off or ending the sharing or call will stop the transfer.

Regarding claim 4, wherein the recipient authorizes the broadcast by transmitting a signal across the voice communication network after the voice connection has been established **(7, Fig. 23).**

Regarding claim 5, wherein the recipient authorizes the broadcast by transmitting a signal across the data network after the voice connection has been established **(Authorization is performed by logging in as 1, Fig. 23; [0060], where the data part is used for data communication).**

Regarding claim 11, wherein the sender is an automated interactive response system (**CWSs are computers that can be set to automatically receive calls, [0144]. This includes senders and recipients).**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **6-10, 15, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (hereinafter 'Ludwig', Pub. No. 2007/0168426) in view of Ahuja et al. (hereinafter 'Ahuja', Patent No. 5,689,553).

Regarding claims 6 and 19, Ludwig teaches all the limitations of the claim it depends on. Ludwig also teaches receiving an input from the recipient or sender (user or caller clicks or calls a recipient, [0142]). On the other hand, Ludwig does not explicitly teach changing the information transmitted to the recipient data network address based on the input from the recipient or sender.

However, in an analogous art, Ahuja teaches a system for multimedia telephone calls, where audio/video data can be shared or transmitted (col. 4 lines 9-37). Ahuja teaches that multiple separate networks are used (col. 4 line 38-col. 5 line 44). Ahuja teaches that a caller can dial a called party from a computer, a regular phone, a video

Art Unit: 2421

phone, etc. The calling party dials the telephone number through the old telephone network and a server checks that if the called user is part of multimedia telecommunication network (col. 2 line 56-col. 3 line 18; col. 12 line 46-col. 13 line 11; col. 13 line 58-col. 14 line 28). Once established the type of connection required, the server serves as a bridge for changing the formats of the content for being usable on the different types of networks (col. 6 line 47-col. 7 line 43; col. 14 lines 18-28).

Therefore, it would have been obvious to one of ordinary skill in the art to have modified Ludwig's invention to incorporate a server that changes the data or bridges the data to be usable for the different users and networks as taught by Ahuja for the benefit of making the system adaptable and extensive to the different or more types of user devices.

Regarding claim 7, wherein the input is a signal transmitted across the voice communication network (**Ludwig: using the port designated for calls, a physical voice communication is established between caller and callee, [0142]-[0145]; [0150]. Ahuja: at least, col. 13 line 58-col. 14 line 47).**

Regarding claim 8, wherein the input is a signal transmitted across the data network (**Ahuja: col. 12 lines 46-67).**

Regarding claim 9, wherein the signal is a DTMF signal (**Ahuja: the call goes through the old phone network. As it is well known in the art, DTMF signal are**

sent from a telephone set to the switch on the public telephone network in a standard phone call).

Regarding claim 10, Ludwig and Ahuja do not explicitly teach wherein the signal is a voice command.

Official Notice is taken (as previously performed on the Office Action on 07/01/2005, and taken as an admission due to no response to the matter since then) for the signal being a voice command. The use of a voice command is notoriously known in data communication art (i.e. the user could say "Call 555-5555" and the system will recognize the command using the speech recognition and place a call using the stated phone number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludwig and Ahuja's invention to use voice commands so to provide to user a friendly device that presents to users options that are easily to understand as similar to the options provided by conventional voice mail.

Regarding claim 15, wherein the means for downloading is initiated by means for sending a signal to said server, said server attached to the data network and capable of transmitting the file to the recipient data network address (**Ludwig: sender has to contact the AVNM server, which is on server 60, for this to control all the servers used for transmission of content, [0071]; [0230]. Ahuja: col. 7 line 44-col. 8 line 2).**

Art Unit: 2421

Regarding claim 20, wherein the A/V file is adapted for rendering on a television screen

Ludwig: [0134]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

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Application/Control Number: 10/061,064
Art Unit: 2421

Page 9